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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/802,411	03/09/2001	Dominik J. Schmidt		5439

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DOMINIK J. SCHMIDT
P.O. BOX 20541
STANDFORD, CA 94309

EXAMINER

PHU, SANH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 06/08/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/802,411

Applicant(s)

SCHMIDT, DOMINIK J.

Examiner

Sanh D Phu

Art Unit

2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 5/10/04.

Claim Rejections – 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 11–20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation “said user” on line 16. This limitation is lack of antecedent basis.

Claims, depended on claim 11, are therefore also rejected.

Claim Rejections – 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary

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skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-13 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al (2002/0059434), previously cited, in view of Wong (6,441,442), newly-cited.

As per claims 1 and 11, see figures 2-4, and sections [0012], [0038] to [0049], Karaoguz et al discloses a system (see figure 3) which comprises:

- a processor (66);

- a multimode wireless device comprising:

 - an analog portion including:

 - a first radio core (68) which can be configured as a cellular radio core (see [0012]);

 - a radio sniffer (72, 68) for detecting and passing cellular radio signals being receiving by antenna (68);

 - a second radio core (70) which can be configured as a short-range wireless transceiver core (see [0012]);

 - a digital portion including:

a processor core (60, 62) handling a plurality of wireless communication protocols; and a memory (84);

a program storage device (80, 82, 84) (see figure 4);

an input recognizer (82), embodied in said program storage device, to receive an input from a user; and

a computer readable code embodied in said program storage device for receiving the user input from said input recognizer (see [0042], [0047], [0048]).

Karaoguz et al does not disclose whether said analog portion and said digital portion are integrated on the same substrate.

Wong teaches that radio frequency devices and digital devices can be all on the same substrate using CMOS fabrication process (see ABSTRACT).

Therefore, for an application, it would have been obvious for a person skilled in the art, when building Karaoguz et al invention, to integrate said analog portion and said digital portion on the same substrate, as taught by Wong, so that the fabrication/manufacture cost of the system would be reduced (see Wong, col. 1, lines 47).

As per claims 2 and 12, Karaoguz et al discloses that the system can conform with a Bluetooth protocol (see [0012]).

As per claims 3 and 13, Karaoguz et al discloses that the system can conform with GSM protocol (see [0006], [0012]).

As per claims 6, 7, 16 and 17, Karaoguz et al disclose that said processor core includes plurals of processors (60, 62).

As per claims 8–10 and 18–20, Karaoguz et al discloses a router (64) coupled to the processor core, the cellular radio core, and the short-range transceiver core wherein the router comprises an engine that tracks destinations of information packets and sends them in parallel through a plurality of separate path ways on plural of channels (60, 62) (see figure 3).

6. Claims 4, 5, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karaoguz et al, in view of Wong, and further in view of Khullar et al (6,400,928), newly-cited.

As per claims 4, 5, 14 and 15, Karaoguz et al, in view of Wong, does not disclose that the system conforms with an Edge protocol or with a GPRS protocol.

Khullar et al teaches that Edge protocols and/or GPRS protocols are used to optimize data communication and can be implemented on GSM systems (see col. 1, lines 15–24).

Therefore, for an application, it would have been obvious for a person skilled in the art, when building Karaoguz et al system in view of Wong, to implement the cellular radio core of the system conforming with Edge and/or GPRS protocols, as taught by Khullar et al, so that the data communications of the system would be optimized with high data rates and potentially higher in high quality radio environments.

Response to Arguments

7. Applicant's arguments, filed on 5/13/04, with respect to claims 1–20 have been fully considered and are persuasive. The rejection of claims, with reasons set forth in the previous Office Action, has been withdrawn. However, the claims, after being further considered, are still unpatentable with reasons set forth above in this Office Action.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D Phu whose telephone number is (703)305-8635. The examiner can normally be reached on 8:00-16:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Sanh D. Phu
Examiner
Art Unit 2682

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